IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

OP.No. 29037 of 2002(F)

PETITIONER:

C.T.ASHOK KUMAR,
S/O. LATE SHRI C.C.THAMPI, CHOMADI HOUSE,
KARIMBADI, MEENANGADI-673 591.

BY ADV. SMT.T.D.RAJALAKSHMI,
SRI.E.R.VENKATESWARAN.

RESPONDENTS:
----

1. **GOVERNMENT OF INDIA,**
   DEPARTMENT OF POSTS INDIA,CIRCLE RELAXATION COMMITTEE, REPRESENTED BY ITS CHAIRMAN,
   THIRUVANANTHAPURAM.

2. **THE CHIEF POSTMASTER GENERAL,**
   KERALA, THIRUVANANTHAPURAM.

3. **SENIOR SUPERINTENDENT OF POST OFFICES,**
   CALICUT DIVISION, CALICUT-673 003.

BY ADV.SRI.P.PARAMESWARAN NAIR,ASST.S.G.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 14/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 49437/2002 IN O.P. NO. 29037/2002

DISMISSED

14/08/2007. **SD/- T.R.RAMACHANDRAN NAIR, JUDGE.**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE APPLICATION FILED BY THE PETITIONER FOR APPOINTMENT UNDER DYING-IN-HARNESS SCHEME WITH ENCLOSURES.

EXT.P.2: COPY OF THE ORDER NO. B1/60/59/2002 DT. 28/08/2002 OF THE R.3.

EXT.P.3: COPY OF THE OFFICE MEMORANDUM ISSUED BY THE DIRECTOR, MINISTRY OF PERSONNEL, PUBLIC GRIEVANCE AND PENSIONS DEPT. OF PERSONNEL AND TRAINING, NEW DELHI DT. 03/12/1999.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

T.R. Ramachandran Nair, J.

- -

O.P.NO.29037 of 2002-F

- -

Dated this the 14th day of August, 2007

JUDGMENT

The petitioner is aggrieved by the order Ext.P2 by which the application for appointment under the dying in harness scheme was rejected. The petitoiner is the son of late Shri C.C. Thampi, who was a Postman at Chundale under the Calicut Division of Department of Posts India. The petitioner's father expired on 8.9.2001 while he was in service after 21 years and more service. They belong to Scheduled Tribe.

The petitoner had passed S.S.L.C. and also Office Automation with Grade A. By Ext.P1, the petitioner sought for appointment under the dying in harness scheme. The application was considered by the Circle Relaxation Committee which met on 21.6.2002. The application was rejected on the ground that the family owned land and a house and the scheme is not intended to ensure employment for each and every member of the family.

3. The petitioner contends that being a dependent of his late father, he is entitled for appointment and the reasons stated in Ext.P2 are not correct. In the counter affidavit, it is pointed out that the family owns 65 cents of paddy field and pursuant to the death of the father, a monthly family

pension of Rs.1982/- plus D.A. at the rate applicable was sanctioned to the widow and a further amount of Rs.2,03,895/- was paid as terminal benefits. It is also pointed out that the daughter of the deceased had already been given in marriage and family owns land with residential building. It is therefore pointed out that the state of affairs does not reflect utter penury entitling them for appointment under the dying in harness scheme. The facts pointed out will show that the affairs of the family have been taken care of by payment of family pension along with allowable D.A. as well as payment of terminal benefits. In the light of the decision of the Division Bench in **Bharath Petroleum Corporation Ltd. v. T. Padmakumari** (2007 (1) KLT SN 38), the stand adopted by the respondents is correct.

For all these reasons, the original petition fails and it is accordingly dismissed. No costs.

(T.R. Ramachandran Nair, Judge.)

kav/

T.R. Ramachandran Nair, J.

- -

O.P. No.29037 of 2002-F

- -

JUDGMENT

14th August, 2007.